IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 8178 of 2007(W)

PETITIONER:

THRESSIAMMA AUGUSTINE,
W/O.M.P.AUGUSTINE, AGED 65 YEARS,
MENACHERY HOUSE, H.B. FLATS, 312, 2ND FLOOR,
PANAMPILLY NAGAR, COCHIN-36.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

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1. DISTRICT COLLECTOR,
ERNAKULAM.

2. DEPUTY TAHSILDAR (REVENUE RECOVERY),
KOCHI TALUK, KOCHI.

3. THE VILLAGE OFFICER,
NAYARAMBALAM, KOCHI.

4. THE ASSISTANT EXCISE COMMISSIONER,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)NO.8178 OF 2007

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Dated this the 19th day of March 2007

JUDGMENT

The petitioner is the wife of one Augustine who is undergoing imprisonment for certain offences punishable under the Indian Penal Code. Respondents have taken revenue recovery proceedings for recovery of amounts due from Augustine. This writ petition is filed seeking the relief that the respondents may be directed to receive tax from the petitioner regarding certain properties which she claims to belonging to her and her daughter exclusively, also seeks a direction that the said properties shall not be proceeded with for recovery of amounts due from Augustine. Therefore, the only question that arises for decision is as to whether the property that the petitioner claims as belonging to her or her daughter belongs exclusively to them or to Augustine or still further, whether such property could be traced to the assets of Augustine. These questions include mixed questions of law and fact and the Revenue Recovery Act provide adequate provisions for resolving such disputes.

Therefore, this writ petition is disposed of without prejudice to the right of the petitioner to move the appropriate revenue recovery authority and seek redressel of grievances or for adjudication of any claim that the petitioner may have and if the revenue recovery authorities are satisfied, properties in question are not referable to Augustine, the revenue officials bound to collect tax for the land shall do so.

THOTTATHIL B. RADHAKRISHNAN, JUDGE

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